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Committee on the Rights of the Child
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Summary record of the 1942nd (Chamber B) meeting
Held at the Palais Wilson, Geneva, on Thursday, 15 January 2015, at 10 a.m.

Chairperson: Ms. Wijemanne (Vice-Chairperson)

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The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties (*continued*)

Combined third to fifth periodic reports of Mauritius (continued) (CRC/C/MUS/3-5; CRC/C/MUS/Q/3-5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Mauritius resumed places at the Committee table.*

2. **Ms. Goordyal-Chittoo** (Mauritius), replying to a number of questions raised at the 1940th meeting, said that general comments Nos. 10 and 14 were already being considered in the children's bill. Minors could be tested for HIV/AIDS with or without the consent of a legal guardian, provided that they submitted a written request and demonstrated that they understood the nature of the test. There was currently no minimum age for criminal responsibility; the Director of Public Prosecutions decided whether to prosecute based on the evidence and facts on a case-by-case basis. Under section 44 of the Criminal Code, a defendant under the age of 14 years found to have acted without discernment should be acquitted; if found to have acted with discernment, the defendant could be placed in a correctional institution for a specified period. Convicted minors could also be given community sentences or placed on probation. The children's bill, which was still being debated, contained a provision that no child under the age of 12 years should be charged with an offence.

3. **Mr. Kotrane** said that he was concerned that maximum sentences for minors had not been established, as the absence of such provisions was at odds with international law. While the Committee welcomed the inclusion of a minimum age for criminal responsibility in the children's bill, it encouraged the State party to raise the age to 13 or even 14 years. It also favoured the use of alternative sentencing; custodial sentences, where necessary, should not be excessive.

4. **Ms. Goordyal-Chittoo** (Mauritius) said that the minimum age proposed in the bill might be raised during the parliamentary debate.

5. **Mr. Cardona Llorens** said he would like to know whether there was a juvenile justice system in the State party, or whether the national courts simply applied the same laws to adults as to children, taking into account their age.

6. **Ms. Goordyal-Chittoo** (Mauritius) said that there was a juvenile justice system and a Juvenile Offenders Act. Nevertheless, the Government was reviewing the system, and a juvenile justice bill was being drafted to improve it. In response to questions from several Committee members, she said that alternative sentencing did exist and consisted of community service or probation.

7. Referring to a question from Ms. Winter, she said that while police brutality might have occurred in the past, such incidents were exceptional. Police officers received regular training on human rights and ensured that children were informed of their rights in the presence of their legal guardians. Statements were taken in the language in which the child felt most at ease and, in the future, might be videotaped to ensure that force had been not used. Moreover, minors were placed in special detention centres and were not usually handcuffed when escorted to court by police.

8. **Ms. Winter** asked whether it would be helpful if the Committee included the need to establish a unit to monitor police brutality in its recommendations.

9. **Ms. Goordyal-Chittoo** (Mauritius) said that the delegation would take note of such a recommendation, but that the establishment of a monitoring unit would depend on the availability of financial resources.

10. **The Chairperson** said that any monitoring system should be independent, to ensure impartiality.

11. **Ms. Goordyal-Chittoo** (Mauritius) said that the Protection of Human Rights Act had been amended in 2012 and a national preventive mechanism had been established within the National Human Rights Commission. The Commission had several divisions, including a police complaints division that investigated complaints filed against police officers.

12. Turning again to the issue of juvenile justice, she clarified that there were no specialized courts for children, although district courts sat as juvenile courts when a child was being tried, and such hearings were closed. However, a child tried with an adult on the same charge would be tried with that adult in an ordinary court of law. That matter would be reviewed in the juvenile justice bill. A family court bill was also being drafted and would include provisions relating to children.

13. Moreover, when a child appeared before a court, the presence of their legal guardian was required.

14. **Ms. Oviedo Fierro** said she would like to know what sort of training judges received to help them deal with cases involving juveniles.

15. **Ms. Goordyal-Chittoo** (Mauritius) said that judges, magistrates, prosecutors and other law enforcement officials received training from the Institute of Judicial and Legal Studies, although no specific training was given on the Convention on the Rights of the Child. The Government was aware that more training was needed.

16. **The Chairperson** asked whether there were specific juvenile court judges.

17. **Ms. Goordyal-Chittoo** (Mauritius) said that there were no juvenile court judges as there were no juvenile courts. Legal assistance in the form of free legal advice, counselling and representation was available to minors, with a view to safeguarding their rights. The protection of child victims' rights would be improved under the National Human Rights Action Plan, although further details were not yet available.

18. In response to a question raised by the Committee in the list of issues about children beyond control, she said that measures were in place to address such situations; for example, the parents could ask a magistrate to place such a child in a rehabilitation centre. Such measures would be reviewed during the reform of the juvenile justice system, however.

19. **Ms. Winter** said that there were concerns that parents could simply go to the police to get rid of an out-of-control child, when the real issue was often the parents.

20. **Ms. Goordyal-Chittoo** (Mauritius) said that requests for orders to place children in rehabilitation centres were subject to a screening process, involving social inquiry and police reports; placement orders were not issued automatically.

21. **The Chairperson** said that many of the children in question were between the ages of 10 and 18 years and could be reacting to a wide range of issues. The root causes must be detected.

22. **Ms. Chooramun** said that the Child Development Unit (CDU) in the Ministry of Gender Equality, Child Development and Family Welfare ran a mentoring programme for children with mild behavioural problems, under which they were provided with trained mentors but remained in their family environments. The CDU was working to establish a range of programmes tailored to children's specific needs, taking into account their risk of violent behaviour.

23. **Ms. How Fok Cheung** said that between June 2013 and May 2014, the Ombudsperson for Children had received 7 complaints from children, as well as 26

anonymous complaints. The CDU needed more staff in order to be effective, and had received increased funding to recruit additional officers.

24. Turning to a number of questions raised at the 1940th meeting with regard to education, she said that all children in Mauritius between the ages of 3 and 5 years had access to preschool education, and the State provided families with monthly allocations for that purpose.

25. In 2014, the pass rate for the Certificate of Primary Education (CPE) had been 80.4 per cent. Pupils who failed in a single subject were allowed to resit the examinations; those who failed the examination twice were provided with pre-vocational education in secondary school. Children with learning difficulties were offered free diagnostic assessments, remedial education and school programmes during the summer and winter breaks.

26. Efforts had been made to provide inclusive education to children with disabilities. Schools had been outfitted with ramps, and teachers provided extra assistance to pupils in need. With regard to the case referred to by the Committee at the 1940th meeting involving a child in a wheelchair who had obtained the CPE but not been admitted to a secondary school, she said that the Special Education Needs Unit in the Ministry of Education had contacted the child's parents and told them that he would be admitted to a school that best catered to his particular needs.

27. There was a discrepancy between the salary of regular teachers and teachers for children with special needs; however, the latter received a monthly allowance in addition to their base salary.

28. **Mr. Mezmur** (Country Rapporteur) asked whether pass rates in 2014 had been higher than in 2013. He wondered whether there was a link between the language of instruction and pass rates, and whether that might explain why Creole-speakers were overrepresented among school dropouts. What happened when children whose birth had not been registered tried to enrol for school? Lastly, he wished to know to what extent head teachers enforced the ban on corporal punishment established by the Education Regulations of 1957, and what happened if teachers violated that ban.

29. **Mr. Cardona Llorens** said that although the national legislation made provision for children with learning difficulties, the children with disabilities to whom he had spoken in the State party had complained of habitual discrimination and of being treated with disdain by their schoolmates. They wanted to attend a special school because they were marginalized in ordinary schools. They had told him that it was difficult to obtain vocational training. As there appeared to be a lack of understanding of the real problems faced by those children, he wondered whether there were any programmes aimed at improving awareness of their plight. He was sceptical that the case of the child who had been unable to attend school because he was in a wheelchair was an isolated incident. What was being done to improve the actual situation of children with motor disability? What investments were being made to facilitate access to secondary schools?

30. **Ms. How Fok Cheung** (Mauritius) said that the improved pass rates in 2014 could be ascribed to a number of measures, including free tuition and coaching in the winter holidays for children with learning difficulties, and the use of Creole in the classroom, alongside English and French. When a child without a birth certificate reached school age, the CDU would write to the Ministry of Education to register the child and so enable his or her admission to primary school.

31. **Ms. Goordyal-Chittoo** (Mauritius) said that any case of corporal punishment at school should be reported to the police and the CDU. The police would conduct the necessary inquiry and draw up a report, which would be sent to the Director of Public

Prosecutions, who would then decide whether to initiate prosecution proceedings. The Ministry of Education could also take disciplinary action against the perpetrator.

32. The courts had to make do with the resources available for hearing child victims. Their testimony could be obtained through video links, and rooms were set aside for them so that they did not have to confront defendants in the case. In 2014, the CDU had set up a child-friendly room where victims of violence could be questioned by the police. Toys were provided in rooms designated for children in order to alleviate their stress and anxiety. Psychologists were also on hand to give any support that might be required.

33. **The Chairperson** asked whether all judges were willing to hear evidence by video link.

34. **Ms. Goordyal-Chittoo** (Mauritius) said that, in her experience, no judge or magistrate had ever refused to hear a child by video link. Defence counsel did not normally object to that procedure.

35. **Mr. Gurán** (Country Rapporteur) said that he wished to ascertain that the figure of 98.3 per cent of children enrolled in early education really referred to the age group 3 to 5 years, and not just to five-year-olds.

36. **Ms. How Fok Cheung** (Mauritius) said that the figure for enrolment in early childhood education had been obtained from the Ministry of Education and did refer to the age group 3 to 5 years.

37. She acknowledged that some stigmatization of children with disability still occurred. Since her country had ratified the United Nations Convention on the Rights of Persons with Disabilities, much had been done by the Ministry of Social Security to raise awareness that persons with disabilities should be shown due respect, but time was needed for attitudes to change. Schools had been adapted to the needs of children with disabilities and all new school buildings had to be equipped with ramps. Much remained to be done, however. She would supply data on investments to facilitate access to secondary schools in writing.

38. Replying to questions raised by Ms. Al-Shehail at the 1940th meeting, she said that efforts were made to counter malnutrition in pregnant women by screening them for anaemia and a range of other diseases at the start of their pregnancy and referring them, if necessary, to an obstetrician. Expectant mothers also received dietary supplements. Mothers living with HIV/AIDS or who were drug users were monitored by the AIDS Unit. The Ministry of Gender Equality, Child Development and Family Welfare ran a national programme to prepare people for parenthood, which contained a module on pregnancy. She undertook to obtain information on the financial resources devoted to that purpose from the Ministry of Health and to submit it in writing.

39. **The Chairperson** requested information on programmes designed to improve the birth weight of babies. Did adolescents in the age group 10 to 18 years have access to reproductive health services? Did they have to be accompanied by an adult when they consulted those services?

40. **Ms. Chooramun** (Mauritius) said that sex education was dispensed at school. If a girl became pregnant, she could obtain the full range of antenatal services.

41. **The Chairperson** said that as sexual activity began at a very early age in many countries, it was vital that young people had access to reproductive health services in order to avoid pregnancy. A young person might not want a parent to be present when they consulted those services. It was more cost-effective to prevent than to deal with teenage pregnancy.

42. **Ms. Chooramun** (Mauritius) said that the Mauritius Family Planning and Welfare Association, an NGO operating under the aegis of the Ministry of Health, regularly

conducted sensitization campaigns on sexual reproductive health in primary and secondary schools. The National Children's Council also gave talks on sexual reproductive health in schools. She would provide statistics and data on that subject in writing. The Council also provided services, with the result that young people could obtain condoms anonymously, and ran drop-in centres that provided support in matters of sexual and reproductive health.

43. **Ms. How Fok Cheung** (Mauritius) said that, in addition to the measures for pregnant women which she had just outlined, low birth-weight babies were admitted to neonatal intensive care units, examined by a paediatrician and monitored regularly after being discharged from hospital for at least two years, or until they had caught up with babies of normal birth weight.

44. Although the wide range of measures adopted by the Ministry of Social Integration and Economic Empowerment to improve the plight of poor people had proved successful in many respects, it would take many years to eradicate poverty completely.

45. The NGO SAFIRE (*Service d'Accompagnement, de Formation, d'Insertion et de Réhabilitation de l'Enfant*) acted as a mouthpiece for street children and participated in devising a care plan for them.

46. **The Chairperson** drew attention to the fact that children roaming the streets during the daytime were not attending school, and were vulnerable to crime and drug addiction. Was there an outreach programme that targeted street children?

47. **Ms. Chooramun** (Mauritius) said that there was government support for any NGO which wished to assist street children. If someone found a child on the street at night, that person was required to call the 113 hotline. The CDU would immediately collect the child and try to locate his or her parents, or place the child in a shelter and ensure that he or she went back to school. Non-formal education could also be provided for children who had never been enrolled at school.

48. Replying to a question posed at the previous meeting on drug abuse by children, she said that various agencies conducted frequent information campaigns and other interventions. Drug abuse on school premises was dealt with at school and was also reported to the local authorities so that any related criminal activities could be handled by the police.

49. **The Chairperson** explained that she wished to know whether any measures were in place to prevent street children from engaging in undesirable activities.

50. **Ms. Chooramun** (Mauritius) said that such measures did exist.

51. **Ms. Winter** suggested that it would be better to offer street children alternative means of earning money.

52. **Ms. How Fok Cheung** (Mauritius) said that some parents and teachers had complained that their authority was being undermined by children who misused their rights. A national parental empowerment programme had been introduced to inform parents of the provisions of the Convention and about alternative child-rearing methods. Teachers were also trained in the provisions of the Convention and in the adoption of positive means of discipline. In line with the African Charter on the Rights and Welfare of the Child, children were instructed in their responsibilities.

53. **Mr. Mezmur** requested information on the extent to which children's vulnerability to the impact of climate change was taken into consideration in the State party's policies.

54. **Ms. Chooramun** (Mauritius), replying to a question raised earlier on climate change, said that, while the impact of climate change on children in particular might not be very

visible, her Government did keep the issue in mind. For example, during a recent spate of cyclones, schools had been closed to keep children out of harm's way.

55. **The Chairperson** wished to know whether Mauritius had a policy on the elimination of the worst forms of child labour. Was the increasing sexual exploitation of children regarded as an issue requiring urgent action?

56. **Ms. Oviedo Fierro** reminded the delegation that she had not received an answer to her question regarding respect for children's views and their participation in decisions affecting them.

57. **Ms. Chooramun** (Mauritius) said that forums did exist where children could voice their opinions on issues pertinent to their development and on policy decisions, and where they could learn how to debate issues of national and international interest. The National Children's Council Act would be amended to provide for a setting in which children's ideas could be taken on board.

58. **Ms. Oviedo Fierro** requested confirmation that children's participation was enshrined in law. Was their status as rights holders fully recognized? Were their views really taken into consideration? How did the Government and society react to the specific demands of adolescents?

59. **Ms. Goordyal-Chittoo** (Mauritius) read out the provision of the National Children's Council bill covering children's participation in law-making. She explained that the bill could be amended or supplemented when it was debated in Parliament.

60. **Ms. Chooramun** (Mauritius) said that the National Children's Council planned to set up a national children's forum which would foster peer interaction in an enjoyable manner.

61. **Ms. Oviedo Fierro** said that what was important was to encourage children to create their own participative forums. Children should be taught how to claim their rights, rather than simply being the passive recipients of services.

62. **Ms. Chooramun** (Mauritius) said that the purpose of the school child protection clubs set up in 2010 was to encourage children to form their own clubs and, by making them aware of their responsibilities, to help them to curtail a lack of discipline and create a school environment free of violence. Teens clubs had been set up along with a creativity centre where young people could attend workshops and seminars conducted by various stakeholders. She would provide information in writing on the National Institute for Civic Education (NICE) programme, which was designed to build the capacity of young persons to participate.

63. **Ms. Chooramun** (Mauritius) said that compliance with labour laws was monitored by the Inspection and Enforcement Section of the Ministry of Labour, Industrial Relations and Employment. The more than 4,500 inspection visits made during the period 1 June 2007 to 31 May 2010 had turned up six cases of child employment, involving six children. In five of those cases, criminal charges had been filed and the employers convicted and fined. As a preventive measure, the Government conducted information campaigns stressing the illegality of child employment.

64. Foster care was promoted as the best alternative to the institutionalization of children. The Government was taking steps to professionalize the delivery of foster care and to improve incentives for potential foster parents. In the meantime, efforts were being made to make residential institutions more homely. The National Child Protection Strategy and Action Plan would soon be implemented, and would include measures to expedite family reunification in cases where parents were temporarily unable to care for children.

65. Residential care institutions were required to meet legal minimum standards. A monitoring mechanism included unannounced visits, interviews with children, menu checks and cleanliness inspections. Institutionalized children, including those with disabilities, received support and were allowed supervised visits with their parents.

66. **The Chairperson** requested information about the status of the adoption bill. Citing the recent upswing in cases of sexual exploitation of children, she asked what was being done to combat the phenomenon, and what support measures were available to victims.

67. **Mr. Mezmur** asked whether it was true that since 2013, intermediaries had not been involved in identifying children eligible for adoption. Had the resources and capacity of the National Adoption Council been increased? Could the delegation provide information on recent adoption-related court decisions? How was international adoption regulated?

68. He asked what standards, if any, were used in monitoring alternative care such as foster care.

69. **Ms. Goordyal-Chittoo** (Mauritius) said that it was official policy not to involve intermediaries in the adoption process. Her delegation would provide information about recent court decisions concerning adoptions after the meeting. Procedures were in place to identify children eligible for adoption and screen prospective adoptive parents for local and international adoptions.

70. **Ms. Chooramun** (Mauritius) said that the minimum standards for alternative care were based on the United Nations Guidelines for the Alternative Care of Children. Various steps taken by Mauritius to combat the commercial and sexual exploitation of children were outlined in the replies to the list of issues.

71. **The Chairperson** asked whether children were more likely to be commercially exploited by tourists, local residents or both.

72. **Ms. Chooramun** (Mauritius) said that there were culprits in both categories, but that only a few cases per year were identified.

73. **The Chairperson** said that the few cases identified might represent the tip of an iceberg. Much depended on the effectiveness of monitoring procedures.

74. **Ms. Chooramun** (Mauritius) said that local child protection committees conducted crackdown operations in high-risk areas such as bus terminals, school environs and guesthouses. Members of those committees included, for example, police officers, teachers and social workers and were trained to spot evidence that a child might be a prostitution victim.

75. **The Chairperson** observed that prostitution victims often did not come forward because they feared they might find themselves in trouble with the law.

76. **Ms. Winter** said that children who were taken into police custody and could not post bail were reportedly kept in custody. Had the State party considered amending the law so that the actual payment of bail was postponed, and later required only if the child had violated some other requirements?

77. Given that individuals accused of sexually abusing children remained at large until their case had been tried, how could the State party better protect child victims and their families?

78. What was the State party doing to ensure that teachers complied with Government injunctions prohibiting corporal punishment in schools?

79. **Ms. Goordyal-Chittoo** (Mauritius) said that while she was not aware of cases of children being kept in custody because they could not post bail, her delegation would obtain

any relevant statistics and send them to the Committee. Children or their guardians could request protection from perpetrators awaiting trial who harassed them.

80. **Ms. Chooramun** (Mauritius) said that her Government was considering implementing sexual risk orders for potential repeat offenders.

81. Schools had mechanisms for reporting complaints of violence by teachers and others, and parents were generally quick to draw attention to such issues.

82. **Mr. Mezmur** said that Mauritius seemed to be making progress in implementing the Convention, with the remaining challenges associated mainly with capacity-building and effective use of statistical information. Outlining some of the issues that would be included in the Committee's concluding observations, he encouraged the State party to enact key legislation, such as the children's bill, as swiftly as possible, and to establish firm timetables for various reforms and action plans.

83. **Ms. How Fok Cheung** (Mauritius) said that her Government would work closely with the Committee to implement the Convention as fully as possible. It would welcome technical and other assistance to that end.

The meeting rose at 12.55 p.m.